

July 6, 2001 Draft Alabama ACT Allocation Proposal Fact Sheet

1. Without any agreement there are only minimal protections against negative downstream impacts in Alabama that might occur from the use and consumption of water in Georgia. Alabama would be forced to pursue a long and expensive legal process costing millions of dollars with no certainty of the outcome. A jointly acceptable agreement between Alabama and Georgia is much more preferable.
 - a. Thirty years provides a balance between understanding current and projected conditions and the unpredictability of future circumstances.
2. This agreement lays the framework for a coordinated basinwide approach to water resources management between the two states.
 - a. Establishes an ACT Committee with oversight and monitoring responsibilities.
 - b. Establishes improved basin management practices that are applicable to both states.
 - c. Requires the development of a basin Drought Plan within two years.
3. Detailed monitoring and reporting is required for both states as well as on-going reviews by a Scientific Advisory Panel and a full hydrological assessment ten and twenty years after the agreement has been in place. This will help ensure that good basin management practices are being followed and any necessary adjustments to the allocation formula would be identified.

Adequate information is everyone's best vehicle to ensure compliance with the formula and the establishment of good water resource management practices.
4. The formula provides reservoir operations to maintain minimum flows.
 - a. Although this proposal provides an overall framework for water resource management, it will only dictate specific reservoir operations a very small percentage of the time.

The vast majority of the time reservoir operations will be at or above any mandated minimums.
 - b. The weekly minimum flow requirement at Rome is 1,800 cfs. This requirement can be reduced to 1,200 cfs in the event of a drought similar to those experienced historically. It is possible for the flow to be reduced even further (to at-site requirements plus inflow protection) if a drought occurs that is much worse than historical.

There is currently no minimum flow requirement at Rome.
 - c. The guidance concerning the operations of the federal reservoirs at Lake Allatoona and Carters Lake will result in Alabama and Georgia sharing the regional benefits of these projects more equitably.

Reservoir operations by the U.S. Army Corps of Engineers were at the heart of the original lawsuit by the State of Alabama in 1990.
 - d. A minimum flow is required from all new reservoirs in both states. This requirement is 25% Average Annual Daily Flow (AADF) or inflow (in the event the inflow is less than 25% AADF).

There are currently no formal requirements on new reservoir releases.
 - e. If the West Georgia Regional Reservoir (WGRR) is constructed as proposed, it will have to release a minimum flow of 90 cfs until all available storage is depleted.

This level of minimum flow provides low flow augmentation to the Tallapoosa River system.
5. The formula requires the responsible use/management of water.
 - a. Both States agree that the use and consumption of water resources must be reasonable and must comply with applicable state laws and regulations pertaining to water use and in-stream flow guidelines.

This provides assurances that entities cannot take all of the water above the minimum flows and places reasonable use caps on water consumption.
 - b. The amount of water that can be transferred out of the ACT Basin is limited to 75 mgd (increased to 90 mgd by 2010 and 100 mgd by 2020). This applies to both states.

There is currently no limit on interbasin transfers.

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- c. Interbasin transfers between the Coosa and Tallapoosa Basins in Georgia will not be allowed if the West Georgia Regional Reservoir (WGRR) is built. In Alabama, any such interbasin transfers will count against the total interbasin transfer limit.
If the WGRR is not built, interbasin transfers in Georgia will be limited to 14 MGD from the Coosa River Basin.
- d. A new or expanded withdrawal for off-stream storage from a stream cannot deplete in-stream flows below 25% AADF.
The current standard in Georgia is 7Q10 and would be increased to the 25% criteria under the proposal.
Since Alabama currently does not have similar in-stream flow protection criteria, this would be the standard in the ACT Basin.
- e. Withdrawals from any new reservoirs cannot exceed the safe yield minus that portion of the yield needed for applicable flow requirements.
Ensures that new reservoirs provide both a minimum release and include a cap on total consumption to help preserve seasonal variability.
- f. Current and future users of water will be required to obtain the appropriate contracts, permits, and/or authorizations.
This will ensure that all water users in both states are following a "formal" process.
- g. Due to its pristine condition and biological diversity, no reservoirs will be constructed in the Little River Basin.
This will help preserve the conditions in that basin for many years.
- h. Entities withdrawing water from Federal projects will be required to obtain the necessary reallocation, resulting in payments for the water.
This preserves the compensation claim and helps to prevent downstream citizens from subsidizing upstream water users.
- 6. Even though this process is focused on water quantity, the compact and formula reinforce the need for all parties to comply with respective state laws as well as all applicable federal laws. This includes, but is not limited to, the Clean Water Act, which is aimed at protecting water quality.
- 7. The adoption and implementation of this compact and formula provides structure and certainty regarding the use and management of water resources. This fact should greatly reduce the amount of lawsuits and quarrels associated with the use of water. Further, the process for renegotiation is outlined to help with the transition to a new agreement.
- 8. How will this formula impact reservoir operations within Alabama including flows and lake levels?
 - a. Precise predictions of future flows and elevations are difficult due to natural and man-made uncertainties.
 - b. Our initial assessment has shown that during moderate to average flow conditions there will be minimal impact to elevations and flows as a result of this allocation formula.
 - c. The allocation formula provides minimum flow guarantees and in-stream flow protections that do not exist today.
 - d. This agreement will not override or supercede any Federal Energy Regulatory Commission (FERC) license requirements. Operations at Alabama Power projects will not change significantly under any aspect of this agreement.
 - e. This proposal formalizes the combined release requirement of 4,640 cfs from Jordan, Bouldin, and Thurlow Dams as well as preserving the current flow requirements as dictated under existing FERC licenses.

More information is available at the Alabama Office of Water Resources web site at www.adeca.state.al.us, by e-mailing water@adeca.state.al.us, or by calling (334) 242-5499.